

**BOARD OF SELECTMEN
MEETING MINUTES
TUESDAY, SEPTEMBER 27, 2005
ABLONDI ROOM**

1 **Attendance:** Katherine E. Murphy, Chair; John H. Stasik, Vice Chair; Charles J.
2 Sisitsky, Clerk; A. Ginger Esty, Member; Dennis L. Giombetti, Member

3
4 **Staff:** George P. King, Jr., Town Manager; Mark J. Purple, Assistant Town Manager;
5 Scott T. Morelli, Executive Assistant

6
7 Meeting called to order at 7:02 PM.

8
9 Ms. Murphy read the agenda.

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11
12 PUBLIC PARTICIPATION

13 Mr. Harold Wolfe asked Mr. Purple about the status of the Walsh Fire Report, which Mr.
14 Purple said was available for him to pick up. Mr. Wolfe also asked for comments on Mr.
15 King's review when it became public. He also wanted to know the status of the list of
16 questions he submitted on August 16, 2005 regarding water and sewer. Ms. Murphy said
17 she read the answers that Mr. King provided as the last meeting and that there was a
18 document that addressed future projects. Mr. Wolfe said he expected the responses to be
19 mailed or emailed to him. Ms. Murphy said communication between the Board and
20 taxpayers was the most important thing the Board did but that questions such as the ones
21 submitted by Mr. Wolfe take a great deal of staff time to answer. As such, Ms. Murphy
22 recommended that any such questions be made in public meetings when division heads
23 were present. She gave a copy of the water projects document to Mr. Wolfe. Ms. Esty
24 asked if the Board still referred questions to the Assistant Town Manager who would then
25 find out the answer and get back to the person. She felt people should get answers
26 directly as well as in public.

27
28 Mr. Robert O'Neil praised the Town for its many accomplishments and said that in 2015
29 Framingham would be a new town with new cultural events, new transportation, a new
30 population, and a new economy.

31
32
33 Proclamation – Knights of Columbus

34 Mr. Freddie Benito, past Grand Knight of the Knights of Columbus, was present to
35 accept the proclamation.

36
37 Ms. Murphy read the proclamation.

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40 PUBLIC HEARINGS

41 None.

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44 ACTION ITEMS

Consideration of appointment of Sworn Weighers

Mr. King said that Mr. Jack Walsh, Director of Weights and Measures, recommended approval for the duration of their employment.

Mr. Sisitsky said that Massachusetts General Law stated that Sworn Weighers could only be appointed for one year.

MOVED: To appoint Filiberto Perez, Mariano Sanchez, and Napoleon Montejo for one year as Sworn Weighers.

Motion: Mr. Sisitsky Second: Mr. Stasik

VOTE: 5-0-0

Consideration of appointment to Cultural Council – Janice Kiley, 146 Maynard Road

Ms. Kiley said she just completed three years on the council and wished to serve for another three year term.

MOVED: To appoint Janice Kiley to the Cultural Council.

Motion: Ms. Esty Second: Mr. Giombetti

VOTE: 5-0-0

Consideration of appointments to the Rte. 126/135 Study Committee

Mr. Stasik said he originally suggested a 19-member committee but many other requests had come in resulting in a total membership of about 28. He wondered if the Board would prefer a smaller, more efficient committee or a larger, more inclusive one. Mr. Stasik said he was inclined to include as many organizations as possible but that the Board should structure the committee to be as efficient as possible. Ms. Esty asked who would have the final decision on the project and Mr. Stasik replied that the committee would make its recommendation to the Board who would ultimately be responsible for making such a decision.

MOVED: To add the Framingham Bicycle and Pedestrian Committee, the CDC, and the League of Women Voters as committee members and to add the I-495 Partnership as an ex-officio member.

Motion: Mr. Stasik Second: Mr. Sisitsky

VOTE: 5-0-0

Ms. Murphy asked if the Board had enough applicants to fill each slot. Mr. Sisitsky suggested extending the deadline and accepting more applications before making a decision. After some discussion, Ms. Murphy suggested making a decision on committee members at the October 11, 2005 meeting and to get input from Mr. Stasik as to the membership before making their decision, a suggestion with which the Board agreed. Ms. Murphy then asked any applicants in attendance if they would like to speak on behalf of themselves.

Mr. Tom Branham handed out an aerial photograph of the area in question. He suggested an executive committee of 7-9 members as a practical step for achieving quorum and to

1 have associate members assigned to subcommittees, which would be chaired by an
2 executive committee member.

3
4 Mr. Tom O'Neil was a Town Meeting Member and chair of the Standing Committee on
5 Planning and Zoning. He said his committee should be included on this committee and
6 suggested it be limited in membership.

7
8 Mr. Robert O'Neil said the underpass would be the biggest crowning achievement to the
9 overall downtown picture. He said he was on the 1995 committee that originally looked
10 at this issue.

11
12 Rep. Deborah Blumer advised having a smaller steering committee to make the group
13 more efficient because there was a limited amount of time to make a decision. She said if
14 the Town wanted to have legislators serve on the committee then it should be as Voting
15 Members.

16
17 MOVED: To appoint area legislators as Voting Members of the committee.

18 Motion: Mr. Stasik Second: Mr. Sisitsky

19 VOTE: 5-0-0
20
21

22 Update on River Stewardship Council Activities on Wild and Scenic Sudbury River –
23 Lee Steppacher

24 Ms. Lee Steppacher represented the National Park Service, Mr. Scott Cleveland was the
25 Framingham representative on the River Stewardship Council, Ms. Deidra Medroia was
26 the chair of the River Stewardship Council, and Mr. John Travinsky was a Selectman
27 from Sudbury and also the Vice Chair of the River Stewardship Council.

28
29 Ms. Steppacher referenced the handout she prepared for the Board. She noted that the
30 rivers were federally designated in 1999 as wild and scenic and were part of the
31 watershed. She said there were five outstanding resources listed in the legislation when
32 they were designated, including scenery, recreation, ecology, history, and literary value.
33 Ms. Steppacher reviewed the membership of the River Stewardship Council, which
34 included 8 towns, 2 conservation organizations, the Commonwealth, and the federal
35 government. She said the council was authorized to work with the Park Service to
36 protect the rivers, review projects, and implement a conservation plan. Ms. Steppacher
37 also spoke about activities that the council had been engaged in and noted that one of
38 their largest projects was Riverfest. She also noted future priorities.

39
40 Mr. Travinsky said the council was a tremendous collaboration with all levels of
41 government and allowed local governments to have a say in the federal permit process.

42
43 Ms. Esty said she read that the Town could not accept federal money for certain projects
44 because of the wild and scenic designation and she hoped this did not include money for
45 clean up for areas with high mercury content. Mr. Travinsky said there was a \$5 million
46 fund for natural resource damages that everyone along the Sudbury River should be

1 interested in. Ms. Esty said she was concerned with the migration of the mercury. Ms.
2 Medroia said the designation did not preclude the Town from receiving money.

3
4 Mr. Sisitsky asked what constituted a wild and scenic designation and wondered if it
5 required abutting communities restrict development on it. Ms. Steppacher said most wild
6 and scenic rivers flowed through federal land. She added that rivers could be classified
7 as either wild, scenic, or recreational under the federal act based on certain criteria. Ms.
8 Steppacher said that having such a designation did not limit development but this was
9 something that the conservation plan could include. Mr. Travinsky said the council did
10 not supersede the actions of municipalities. Mr. Sisitsky said he noticed during dry spells
11 that part of the river got very low and dry and wondered if there would be a way to adjust
12 the flow over the Saxonville dam to prevent this. Mr. Travinsky said this was probably
13 an issue for the MWRA. Ms. Esty said that exposed mud and silt were exposed and
14 leaving the mercury to become an airborne hazard. She said the water was taken out of
15 the ground from Hopkinton and Ashland and then sent through the public sewer to
16 Boston. She said this was a huge inter-basin transfer that was getting very complicated
17 and could lead to some of these town's having sewer treatment plants within their bounds
18 in order to replenish the aquifer. She said the Town needed to do something soon or its
19 levels would be adversely affected. Ms. Medroia said this was a concern for numerous
20 reasons.

21
22 Mr. Sisitsky said plans to limit stream flow withdrawals could have ramifications for the
23 Town's plans to reactivate wells. Ms. Medroia said the river basin had been designated
24 as medium stress.

25
26 Mr. Stasik asked if fish was not to be consumed throughout the SuAsCo system. Mr.
27 Travinsky said it was posted to not eat fish and noted that on the Sudbury River this was
28 due to mercury but that the Assabet had other problems.

29
30 Ms. Murphy asked how the Town and the council could collaborate. Ms. Medroia said
31 the Board could support the Department of Environmental Protection (DEP) in enforcing
32 the Water Management Act. She said the Town could also retrofit neighborhoods with
33 low impact development strategies such as rain gardens and save a lot of water as a
34 result.

35
36
37 Update on the Arcade – Kathy Bartolini

38 Ms. Bartolini, Director of Planning & Economic Development, said she rewrote the
39 application with the Board's comments and filed it last week with a score of 95, which
40 was higher than last year's score of 93. She said she was notified it was filed correctly
41 and should know in a month what the score will be. Ms. Murphy asked if there was
42 anything else the Board could do to help the application and Ms. Bartolini said the Town
43 needed to pursue the things in the application to ensure points were received.

44
45 Ms. Bartolini informed the Board that in June her Department filed all the necessary
46 paperwork with the Massachusetts Economic Coordination Council for the commercial
47 TIF. She said that on June 28, 2005 she presented to the council and they unanimously

1 approved this TIF. Ms. Bartolini said in June the Town received several pages of
2 feedback from the Department of Housing and Community Development on all of the
3 new items, including the TIF district and housing plan. She said the Town asked for this
4 feedback prior to any Town meeting votes, which did not happen. Ms. Bartolini
5 explained to them that she could not change the plans because it had been approved by
6 Town Meeting. She said they agreed to reverse themselves and to have the Arcade file a
7 one stop financial application. Ms. Bartolini said they also agreed that the Town could
8 write a cover letter answering the questions they had about the document as opposed to
9 changing the content of it.

10
11 Ms. Bartolini noted that in August the transfer of data into computer format had been
12 finalized and she had reviewed it with Mr. Giombetti and Mr. Ray Weaving, who said it
13 was an accurate conversion. She said Mr. Weaving also claimed the project was
14 financially feasible but that it had an 11% return, which is a low return rate for the banks.
15 Ms. Bartolini said the one stop financial form was officially filed yesterday.

16
17 Ms. Bartolini said that BRAMAS recently had worked with Mr. Perry and Mr. Leerberg
18 to have an economic development conference that was geared towards businesses
19 operating in the Arcade Building.

20
21 Ms. Bartolini said that the next step would be to write the cover letter and have
22 everything filed by next week. She hoped that this would be approved by the end of
23 October and it would either be a HUD mortgage guarantee or through Massachusetts
24 Housing. Ms. Bartolini stated that the Town then needed to confirm with the Planning
25 Board that what was being proposed to the building committee reflected all of the
26 conditions in the special permit. She said the Town would then file for the building
27 permit and have a groundbreaking in the spring.

28
29 Mr. Giombetti asked for the plan of action for groundbreaking. Ms. Bartolini said the
30 delay was not from the Town's end but rather it stemmed from getting the detailed
31 architectural plans. She said it was also complicated to convert the proforma report into
32 the 40-page form. Mr. Giombetti asked about the design work. Ms. Bartolini said that as
33 soon as Town Meeting approved him, he borrowed an additional \$2 million to have
34 money for detailed architectural drawings and a revised proforma. She said Crenshaw
35 would be the general contractor and that Beals and Thomas will do the detailed site work.
36 Mr. Giombetti asked for Ms. Bartolini's assessment of the risks if the project were to
37 extend beyond the timeline. Ms. Bartolini said that there was a risk of not being able to
38 afford the project and if it were to go past March the permit would expire so the Town
39 would have to go through the process all over again. Mr. Giombetti asked what the
40 Board could do to help meet the timeframe, to which Ms. Bartolini replied that she would
41 contact the Board if something required their assistance.

42
43 Mr. Stasik said he attended a workshop where a discussion occurred on the project's
44 impact on small businesses. He acknowledged that there would be an impact and he
45 hoped the businesses could stay open and viable. Mr. Stasik said the Arcade was empty
46 in the late 1980s and early 1990s and that the interest of the Brazilian community in that
47 area along with Mr. Mike Perry taking over the building and willing to not raise rents was

1 a great synergism. He said there was a recognition that the rents could not stay that low.
2 Ms. Bartolini said he had not raised the rent since 1997 and noted that even if the Arcade
3 project did not occur as Town Meeting voted it, the rent would still increase to current
4 rates. She said that he had offered to provide relocation benefits for these businesses but
5 he will have to articulate how this will work before he goes to the Planning board.
6

7 Mr. Giombetti asked Ms. Bartolini for an update on the search for Urban Planners. Ms.
8 Bartolini said she had just under 30 applications for the two positions and that she hoped
9 to make job offers by the end of next week. Ms. Bartolini hoped to have the planners
10 start by the end of October.
11

12 Town Manager's Report

13 *Town Manager Proposed Goals*

14 Mr. King said that a part of the evaluation process was to have new goals for the
15 following year, which he said he wanted to be sure also encompassed the Board's goals.
16 Mr. King proposed broad goal subjects and said if the Board approved these areas then he
17 would present specifics at the October 11, 2005 meeting. His five goal subjects were: 1)
18 Downtown revitalization, 2) Code Enforcement, 3) Benchmarking, 4) Emergency
19 Preparedness, and 5) Budget Process.
20

21
22 Mr. Stasik mentioned several projects which he thought should be goals for the upcoming
23 year. Mr. King said he wanted to keep these categories broad and that the issues
24 mentioned by Mr. Stasik would fit into one of his five categories. Ms. Esty suggested
25 that a strategy to decrease crime in the downtown should be included in the goals, which
26 Mr. King agreed made sense.
27

28 Mr. Giombetti asked if the Board was adopting these goals tonight. Mr. King said that if
29 there was a general consensus on these five categories then he would have specifics for
30 the Board at their meeting in two weeks. Mr. Giombetti suggested waiting to approve
31 these goals as he felt comments on the evaluations could play in to the Town Manger's
32 goals for next year. Mr. Sisitsky wondered if delaying this would have a negative impact
33 on implementing the goals. Mr. Giombetti said a compromise would be to adopt three
34 goals instead of five. Ms. Murphy said all goals were important to move forward with
35 and said that Mr. King's review wouldn't have anything to do with his action plans. Mr.
36 Giombetti said he hoped after the review there would be areas of focus that needed
37 improvement. Mr. Giombetti said that as long as the Board was not wed to having these
38 five goals then he would be ok to proceed. Ms. Murphy said the Board rewrote some of
39 the goals last year.
40

41 *Town Manager Evaluation*

42 Mr. King said he did not have a problem making these documents public even though this
43 was against his contract. He said the documents should be released as part of the
44 composite. Mr. King spoke with Christopher Petrini, Town Counsel, who indicated this
45 would be ok.
46

47 *Merit Raise*

1 Mr. King said his contract allowed for up to a 6% raise and by policy such a raise was not
2 directly related to his evaluation score. He recommends this be done in open session,
3 even though this would be unique.

4
5 Mr. Giombetti requested a current copy of Mr. King's contract.

6
7 Ms. Esty asked for an update on the trucks bringing fill in from the Natick Mall. Mr.
8 King said he thought this had been discussed. He said Mr. Joseph Mikielian, Director of
9 Inspectional Services, said bringing in the fill was a legitimate use of their operation. Mr.
10 King said there weren't any local license issues on the property. He said Ms. Esty was
11 correct in her assertion that once the PUD requirement was met that they would lose their
12 right to operate but both Mr. Mikielian and Mr. Jay Grande, Chair of the Planning Board,
13 agreed that this had not yet occurred.

14
15 Ms. Esty again mentioned the presence of an underground oil tank discovered on
16 Meadow Street, which she said was land owned by the Generazios. Mr. King said he
17 would look into this further but thought that former Fire Chief Smith had said all tanks
18 had been accounted for.

19
20
21 Selectmen's Reports

22 Mr. Stasik said he and Ms. Esty attended a wonderful celebration for the New Life
23 Presbyterian Church. He said he also went to the downtown business workshop which
24 was very informative but noted the Board had a lot of work to do, especially on
25 disconnect between the Town and the downtown business community. Mr. Stasik said he
26 also attended the Assabet Trail opening between Marlborough and Sudbury.

27
28 Mr. Sisitsky said his son Adam's wife had a beautiful baby girl, Jordan, last Wednesday.

29
30 Ms. Esty said she took care of the opening of Assabet Trail and Mr. Stasik took care of
31 closing.

32
33 Mr. Giombetti said the Water & Sewer Rate Setting Committee met last week. He said
34 the next step would be to look at the rate structure. Mr. Giombetti said he could not
35 attend the next meeting but asked if Ms. Esty could attend in his place.

36
37 Mr. Giombetti said the Social Service Subcommittee had its second meeting and the
38 discussion revolved around downtown Framingham and various programs that were
39 offered. Mr. Sisitsky said the committee talked about bringing in a top official from the
40 Department of Health and Human Services but found out the PILOT committee had
41 invited him to speak at their meeting so the Social Service Committee may attend the
42 PILOT meeting.

43
44 Ms. Murphy said she went to the Veterans recognition of gold star mothers which she
45 found very moving. She said they presented an old bible to the Town. Ms. Murphy said
46 the Citizen's Advisory Council to the Housing Steering Committee would be meeting
47 soon to discuss government services and responsibilities and how that affected housing.

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2 MOVED: To adjourn at 9:39 PM.
3 Motion: Mr. Sisitsky Second: Ms. Esty
4 VOTE: 5-0-0
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7 Respectfully submitted,
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10
11 Charles J. Sisitsky, Clerk